

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MIGUEL PERALTA,	:	X
	:	
Plaintiff,	:	
	:	
-against-	:	19 Civ. 360 (GWG)
	:	
SHK HOLDINGS INC. d/b/a BATTERY PLACE	:	
MARKET and SUNG KIM,	:	
	:	
Defendants.	:	
	:	X

**ORDER AND JUDGMENT OF DEFAULT**

**WHEREAS**, by Order dated February 6, 2020 ([ECF No. 32](#)), this Court retained jurisdiction over this matter to enforce the Parties' Settlement Agreement and Release (the "Agreement"), pursuant to which the Parties resolved Plaintiffs' wage-and-hour claims against Defendants in exchange for \$90,000 (the "Settlement Payment"), which Defendants agreed to pay in fifteen monthly installments beginning in February 2020;

**WHEREAS**, Defendants paid the first two installment payments due in February and March 2020, totaling \$25,000, but have not made any further payments, and so \$65,000 of the Settlement Payment remains unpaid;

**WHEREAS**, Plaintiff submitted a notice to cure by email to Defendants in May 2020 per Section 1(e) of the Agreement, and Defendants have not cured their default;

**WHEREAS**, per Section 1(e) Agreement, Plaintiff is entitled to acceleration and payment of all remaining unpaid installment payments plus liquidated damages of \$15,000 plus his reasonable attorneys' fees and costs incurred in enforcing the Agreement in the event of Defendants' default; and

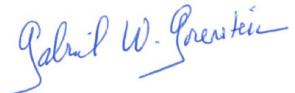
**WHEREAS**, in his application ([ECF No. 33](#)), Plaintiff does not seek recovery of his reasonable attorneys' fees and costs incurred in enforcing the Agreement; rather, he only

requests acceleration and payment of the \$65,000 in outstanding installment payments under the Agreement and liquidated damages of \$15,000, for a total of \$80,000 due to him jointly and severally from Defendants;

**IT IS HEREBY ORDERED** that Defendants have defaulted on their payment obligations under the Agreement following receipt of a notice to cure their default. Accordingly, all outstanding unpaid installment payments under the Agreement, totaling \$65,000, are accelerated and owing to Plaintiff plus an additional sum of \$15,000 in liquidated damages, for a total of \$80,000 due to Plaintiff.

Dated: New York, New York  
August 20, 2020

SO ORDERED.



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Gabriel W. Gorenstein, U.S.M.J.